## UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA FORT WAYNE DIVISION

IAN BARNHART,	)	
individually and on behalf of all others	)	
similarly situated,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CASE NO. 1:17-cv-00124-TLS
	)	
DAVID GLADIEUX,	)	
in his official capacity,	)	
	)	
Defendant.	)	

## PLAINTIFFS' SUR-RESPONSE IN OPPOSITION TO DEFENDANT'S PARTIAL MOTION FOR SUMMARY JUDGMENT

Plaintiff and Class Representative, Mr. Ian Barnhart, individually and behalf of all others similarly situated, respectfully requests the Court deny Defendant Allen County Sheriff David Gladieux's Partial Motion for Summary Judgment [DE 43-44, 47]. As demonstrated in Plaintiffs' Response [DE 45-46], the argument in Defendant's Motion is not supported by law and the material facts concerning Defendant's disenfranchisement of inmates held in the Allen County Jail during the 2016 General Election remain in genuine dispute. Fed. R. Civ. P. 56; N.D. Ind. L.R. 56-1.

Plaintiffs file this Sur-Response to designate additional evidence in support of their Local Rule 56-1 Statement of Genuine Disputes.

In Plaintiffs' Response, they submitted fifteen affidavits from identified Class Members. Of those, twelve affidavits were submitted from Class Members held on or before October 31, 2016 and three affidavits were submitted from Class Members held on or after November 1, 2016. Plaintiffs now in their Sur-Response designate the following additional supplemental evidence in

support of their Response in Opposition to Defendant's Partial Motion for Summary Judgment,

N.D. Ind. L.R. 56-1(b)(1)(B), in the form of affidavits from six additional identified Class

Members held in the Allen County Jail on or before October 31, 2015:

1. James Davis;

2. Frederick Neel;

3. Artavius Richards;

4. Mylinque Wallace;

5. Nike-Shail White; and

6. Jerry Williamson.

Wherefore, based on their argument and the evidence submitted, Plaintiffs respectfully

request the Court deny Defendant's Motion for Partial Summary Judgment in its entirety, and grant

all other just and proper relief.

Respectfully,

CHRISTOPHER C. MYERS & ASSOCIATES

/s/ David W. Frank

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## **CERTIFICATE OF SERVICE**

I certify that on September 27, 2018 a true and correct copy of the foregoing document was served electronically via CM/ECF to all counsel of record.

/s/ David W. Frank
David W. Frank

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